

**LOWENSTEIN SANDLER PC**

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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ILLINOIS NATIONAL INSURANCE  
COMPANY,

Plaintiff,

vs.

WYNDHAM WORLDWIDE OPERATIONS,  
INC; WYNDHAM WORLDWIDE  
CORPORATION; WYNDHAM VACATION  
OWNERSHIP, INC.; and, WYNDHAM RESORT  
DEVELOPMENT CORPORATION,

Defendants.

**Civil Action No. 09-1724**

**DECLARATION OF  
ERIC JESSE, ESQ.**

I, ERIC JESSE, ESQ., of full age, being duly sworn according to law, do depose and state as follows:

1. I am an Attorney-at-Law of the State of New Jersey and an Associate of the law firm Lowenstein Sandler P.C., attorneys for Defendants.

2. On March 25, 2010, I had a telephone conversation with Kim Hayes. Ms. Hayes is a major claims consultant for CNA, an insurance carrier for Wyndham.

3. During our telephone conversation, Ms. Hayes said that on or about August 5, 2009 Wyndham placed CNA on notice of the airplane crash in Gearhart, Oregon (the "Accident").

4. During our telephone conversation, Ms. Hayes said that on August 5, 2008, she appointed Joe Traylor, Esq. of Hoffman, Hart & Wagner as panel counsel to protect

the insured's interests. Joe Traylor, Esq. was retained by Ms. Hayes because she anticipated that litigation would arise out of the Accident.

5. During our telephone conversation, Ms. Hayes said that on or about August 5, 2008, her supervisor, John Taylor of CNA, requested that she prepare a report regarding the Accident (the "Report"). Ms. Hayes stated that John Taylor was asked by senior management of CNA, some of whom are attorneys, to have the Report prepared.

6. During our telephone conversation, Ms. Hayes said that the Report was prepared due to the potentially large exposure arising out of the Accident. She also indicated that reports of this nature are not always prepared when a claim is filed.

7. During our telephone conversation, Ms. Hayes said that in preparing the Report, she consulted with Joe Traylor, Esq. He was the source for some of the information contained in the Report and she consulted with him on the accuracy of some of the statements made in the Report.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct.

Dated: April 5, 2010

  
Eric Jesse, Esq.